

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

vs.

JOSE ABRAHAM NICANOR

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Criminal No. 4:20-cr-00264

**SEALED
GOVERNMENT'S RESPONSE TO
DEFENDANT'S OBJECTIONS TO
PRE-SENTENCE INVESTIGATION REPORT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America, by and through Alamdar S. Hamdani, Acting United States Attorney in and for the Southern District of Texas, and Lisa M. Collins, Assistant United States Attorney, and files this response to Defendant's objection to the pre-sentence investigation report (hereinafter referred to as "PSR"). The United States adopts the findings of probation as discussed in Docket Entry 142. In addition, the United States would provide the following information.

The United States would re-offer all evidence presented in the trial of the Defendant. Specifically, the evidence that the Defendant was not just recruiting straw purchasers, but was doing so on behalf of others. Special Agent Natasha Smith walked the Jury and the Court through the messages located on the cellphones of the Defendant and co-defendants. These messages show that the Defendant was obtaining these firearms on behalf of others and was being supplied money for said purchases. Below are a few examples of these messages:

February 12, 2019:

- NICANOR: **They asking** for these and 5 aks
- JEFFERSON: That's a M16 ain't it?
And when?

- NICANOR: Today
- JEFFERSON: How many of those? And I'm down cuzzz
- NICANOR: I'm trying to find out the price
Call zia and ask how much
- JEFFERSON: Bet

April 9, 2019

- NICANOR: **These boys** still ain't came with the bread

April 19, 2019:

- NICANOR: Not just anyone got that kind of bread laying around'
- JEFFERSON: True
A you dont think them fools would want a bolt action one this
time?....theres one on armslist for under 4k

In addition to the above cellphone evidence, SA Smith testified that she was able to review the Instagram and cellphone photos and videos on the Defendant's accounts. The Court heard that she found multiple photos of the Defendant, a prohibited person, possessing firearms. Below are just a few of the photos found by SA Smith:





These and other photos depict a complete disregard by the Defendant to the laws of this Country.

Five of the firearms purchased at the direction of the Defendant have been recovered in Mexico thus far. Each of these recoveries involved the criminal element in possession of these

firearms. And in several instances, the criminal element firing these rifles at law enforcement endangering both law enforcement and the civilian population.

WHEREFORE, PREMISES CONSIDERED, the Government requests that the Court overrule the Defendant's objection to the PSR and sentence the Defendant to 120 months- a guideline sentence.

Respectfully submitted,

ALAMDAR S. HAMDANI
United States Attorney

/s/ Lisa M. Collins
Lisa M. Collins
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2023 a true and correct copy of the United States' Response to Objections to the Pre- sentence Investigation Report was delivered by ECF and email to counsel for the Defendant.

/s/ Lisa M. Collins
Lisa M. Collins
Assistant United States Attorney